REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-22 were pending in the present patent application. By way of this reply, claims 2, 10, 11, 14, 21, and 22 have been cancelled without prejudice or disclaimer. Also by way of this reply, claims 23-25 have been added. No new matter has been added by way of these additions as support for the new claims may be found, for example, in paragraph [0016] of the specification. Accordingly, claims 1, 3-9, 12, 13, 15-20, and 23-25 are pending in the present application. Claims 1, 12, and 13 are independent. The remaining claims depend, either directly or indirectly, on claims 1, 12 and 13.

Claim Amendments

Claims 1, 8, 9, 12, 13, and 20 have been amended for clarification. No new matter has been added by way of these amendments as support for these amendments may be found, for example, in paragraphs [0015], [0016], and [0017] of the specification.

Rejections under 35 U.S.C. §102

Claims 1-4, 8-16, and 18-22 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,946,050 issued to Wolff (hereinafter "Wolff"). By way of this reply, claims 2, 10, 11, 14, 21, and 22 have been cancelled, and accordingly, the rejections of these claims are now moot. With respect to the remaining claims, for the reasons set forth below, this rejection is respectfully traversed.

Independent claims 1, 12, and 13 have been amended to include the use of first and second user preferences, which, for example, establish the broadcast segments to be recorded and the keywords to search for in the broadcast segments following the recording. Wolff discloses monitoring the audio portion of a broadcast signal for a set of keywords. When at least one of these keywords is detected, Wolff teaches extracting selected information from the broadcast to print on a screen (column 4; lines 50-67), or activating a VCR to start recording the broadcast signal for a fixed amount of time (column 5; lines 4-17). However, Wolff is silent on establishing which broadcast signals are to be monitored for keywords in the first place. Thus, Wolff does not teach the use of user preferences as recited in amended independent claims 1, 12, and 13.

Further, Wolff discloses activating a VCR to record the broadcast signal upon detection of a keyword (column 5; lines 4-17). This is the only instance when the broadcast signal is recorded for future playback by the user. Wolff teaches using a circular audio buffer in RAM to *temporarily* store the audio broadcast while it is being analyzed for keywords and when useful information is being extracted from the broadcast (column 4; lines 25-52). However, the circular audio buffer is temporary and not intended for playback use by the user. A VCR records in an analog format, and thus squarely contradicts saving or storing the broadcast in a digital format for future playback as recited in amended claims 1, 12, and 13. Thus, Wolff does not teach all limitations of amended independent claims 1, 12, and 13. Thus, amended independent claims 1, 12, and 13 are patentable over Wolff. Claims 3, 4, 8, 9, 15, 16, and 18-20 depend, either directly or indirectly, from amended claims 1, 12, and 13 and are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 5-7 and 17-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of U.S. Patent No. 6,490,686 issued to Wheeler (hereinafter "Wheeler"). For the reasons set forth below, this rejection is respectfully traversed.

Applicant respectfully asserts that Wheeler is not analogous art. Specifically, Wheeler is directed to a method and apparatus for restricting access to distributed content information (*e.g.*, video data, audio data) using privilege indicators (Abstract). In contrast, the present invention discloses a method for recording an audio broadcast based on user preferences. Applicant respectfully asserts that one skilled in the art attempting to record an audio broadcast according to user preferences would not look to Wheeler as a reference. Therefore, Wheeler is not analogous art.

However, to the extent that the Examiner can maintain such a rejection, Applicant respectfully asserts that the cited references do not teach or suggest all the claimed limitations. Further, the Applicant respectfully asserts that even assuming *arguendo* that all the claimed limitations are disclosed, there is no motivation to combine the cited references to produce the claimed invention.

As discussed above, Wolff at least does not disclose the use of user preferences as recited in amended independent claims 1, 12, and 13. Like Wolff, Wheeler is also silent on the use of user preferences to record an audio broadcast as recited in amended independent claims 1, 12, and 13 of the present invention. Thus, Wheeler does not teach what Wolff lacks. Wolff and Wheeler, whether viewed separately or in combination, fail to teach or suggest all the limitations recited in amended claims 1, 12, and 13. Claims 5-7 and 17-19 depend, directly or indirectly,

from claims 1, 12, and 13 and thus are allowable for at least the same reason. Accordingly, withdrawal of this rejection is respectfully requested.
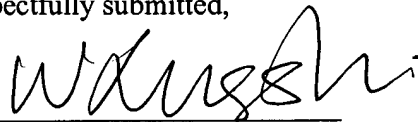
Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 06145/017001).

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Attachments